

drafters specifically had in mind blocking the return of one of my direct Senate predecessors—Jefferson Davis.

The Constitution's 14th amendment, ratified in 1868, permitted Congress to remove barriers to service by former Confederates through a two-thirds vote of both Houses. Congress then enacted an oath for those in this category, allowing them to ignore the test oath's first section, regarding past loyalties, and subscribe only to its second section pledging future allegiance. That 1868 oath is identical to the one we take today.

As postwar tensions eased, Congress in 1871 dropped the requirement for a two-thirds vote of both Houses for former Confederates entering congressional service or government employment. For another 13 years, however, all oath takers who were not former Confederates were required to take the full test oath. In 1877, to further complicate matters, the Senate amended its rules to require that Senators take not only the 1862 or the 1868 oath, but also the original oath of 1789.

Reflecting the confusion surrounding these multiple requirements, the Senate's archives contain no signed oaths for the years between 1871 and 1880. From 1880 until 1884, nearly 20 years after the war's conclusion, newly elected southern Senators who had participated in that conflict signed the 1868 oath, while all the others signed the 1862 test oath.

On January 11, 1884, as part of a general revision of its rules, the Senate replaced specific references to the rules of 1862 and 1868 with the simple statement that is now Rule III of our Standing Rules: "The oaths or affirmations required by the Constitution and prescribed by law shall be taken and subscribed by each Senator, in open Senate, before entering upon his duties." Seven weeks later, bringing to a close nearly a quarter century of confusion and acrimony, the Senate repealed the 1862 test oath. From that day to this, the high solemn oath "prescribed by law" has been the oath of 1868.

LOUISIANA ELECTION CONTEST

Mr. LOTT. Mr. President, before the Chair presents the certification of election for the swearing in to begin, I would like to take a moment to speak about the seating of one of our new colleagues who will be sworn in within the next few minutes. I am referring to the seating of Senator-elect LANDRIEU. The Senate has received petitions from the citizens of the State of Louisiana contesting the election of Senator-elect LANDRIEU.

As most of you know, direct election of U.S. Senators began as a result of the 17th amendment to the Constitution in 1913. Since that time, the Senate has called into question a number of election results. However, only on four occasions have the challenges been successful in persuading the Senate to overturn the outcome of an elec-

tion. The U.S. Constitution leaves it entirely up to the Senate to decide what evidence it deems relevant for overturning an election.

At this point, the seating of Senator-elect LANDRIEU has been called into question as a result of investigative material by the Senate Rules Committee. The Senate Rules Committee is reviewing the evidence, and I am confident they will come to a conclusion as to whether the allegations should be dismissed or investigated further in a swift and timely manner.

With all of that in mind, Senator-elect LANDRIEU will take the oath of office with her colleagues but will be seated without prejudice. The seating without prejudice has occurred a number of times in U.S. Senate history. The term means without prejudice to the right of the Senate to determine the outcome of the questioned election.

I should like to quote from majority leader Taft of Ohio when he stated that "These Senators should be permitted to take the oath and to be seated. It is my further view that the oath is taken without prejudice to the right of anyone contesting the seat to proceed with the contest and without prejudice to the right of anyone protesting or asking expulsion from the Senate to proceed."

In the case of our colleague, Senator-elect LANDRIEU, she will shortly begin her new role as a U.S. Senator from the State of Louisiana and the Rules Committee will continue to investigate the allegations. I know the Democratic leader concurs with this procedure of seating Senator-elect LANDRIEU without prejudice, and we are both hopeful that the Rules Committee will conclude its investigation and make its ruling in a swift and responsible fashion. It is possible that later today, after discussions with the Democratic leader, we will be able to reach a further colloquy and perhaps a consent agreement with respect to any motion the Rules Committee may make at a later date in response to those allegations. After consulting with the Democratic leader, I hope to propound a consent agreement that would limit debate on any motion so that the full Senate would be able to resolve the matter very quickly.

I now yield to the Democratic leader for any comments he may wish to make on the subject.

The VICE PRESIDENT. The Democratic leader is recognized.

SWEARING IN OF SENATORS

Mr. DASCHLE. Mr. President, let me begin by thanking the distinguished majority leader for his comments and welcoming him to the 105th Congress, as we welcome all of the newly elected Members to this prestigious body. As the Senator also noted, we have a number of former colleagues who have now reached the height of "citizen," and we welcome them in their new positions as well. The families are here. We all note

their presence and recognize what an important day and a memorable day it is for not only the Senators-elect, but for the families as well.

We begin this session with much hope and good will. And I think the remarks just made by the majority leader concerning Senator LANDRIEU are reflective of that. I would like to believe that the administration of the oath of Senator-elect LANDRIEU will not prejudice in any way the Senate's constitutional power to judge the Louisiana election. Neither will the pendency of Mr. Jenkins' petition diminish in any way the effect of the oath that will now be administered to Senator-elect LANDRIEU.

Just as in recent cases of Senators COVERDELL, Packwood, and FEINSTEIN, all Senators sworn in today are Senators in every sense of the word. Those were the sentiments of leaders in those instances, and I believe they are just as appropriate today.

I yield the floor, and I thank the distinguished majority leader.

Mr. LOTT. Mr. President, I think we are ready to proceed.

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the 33 Senators to be sworn will now present themselves at the desk in groups of four as their names are called in alphabetical order, the Chair will administer their oaths of office.

The clerk will read the names of the first group.

The legislative clerk called the names of Mr. ALLARD, Mr. BAUCUS, Mr. BIDEN, and Mr. BROWNBACK.

These Senators, escorted by Mr. CAMPBELL, Mr. BURNS, Mr. ROTH, and former Senator Dole, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The Senate will be in order. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, and Mr. CRAIG.

These Senators, escorted by Mr. NUNN, and Mr. COVERDELL, Mr. LOTT, Mr. Cohen, and Ms. SNOWE, and Mr. KEMPTHORNE, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The Senate will be in order. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. DOMENICI, Mr. DURBIN, Mr. ENZI, and Mr. GRAMM.